

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. John Henry Simes**

**Docket No. 5:11-CR-194-2D**

**Petition for Action on Supervised Release**

COMES NOW Julie Wise Rosa, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of John Henry Simes, who, upon an earlier plea of guilty to Conspiracy to Possess With Intent to Distribute and Distribute 28 Grams or More of Cocaine Base (Crack) and 500 Grams or More of Cocaine, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on July 19, 2012, to the custody of the Bureau of Prisons for a term of 84 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

John Henry Simes was released from custody on September 2, 2016, at which time the term of supervised release commenced. The court received notice of the defendant's use of cocaine in March 2017. He was referred for substance abuse treatment and continued on supervision. In June 2017, the court was informed of additional use of cocaine and his acceptance into an inpatient treatment program.

On May 11, 2018, the conditions of supervision were modified in response to his acceptance into the HOPE Court Program. The defendant withdrew from the HOPE Program on June 7, 2018.

On August 1, 2018, the court modified the defendant's conditions of supervision to include 30 days curfew with electronic monitoring in response to his positive drug test on July 9, 2018.

On August 15, 2018, the conditions of supervision were modified to include mental health treatment.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On August 13, 2018, the defendant tested positive for the use of cocaine. When confronted, Simes acknowledged using the substance. He further advised he shared this struggle with substance use with his treatment group and he now recognizes that he must make a serious commitment to turn his life around. The probation officer recommends that extending curfew with electronic monitoring for an additional 30 days is appropriate. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for an additional period of 30 consecutive days. The defendant is restricted to their residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Michael C. Brittain  
Michael C. Brittain  
Supervising U.S. Probation Officer

/s/ Julie Wise Rosa  
Julie Wise Rosa  
Senior U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: 919-861-8675  
Executed On: August 28, 2018

#### ORDER OF THE COURT

Considered and ordered this 30 day of August, 2018, and ordered filed and  
made a part of the records in the above case.

J. Dever  
James C. Dever III  
Chief U.S. District Judge